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Attorneys for Plaintiff
 VERITAS-B MEZZ B7, LLC AS SUCCESSOR-IN-
 INTEREST TO CAPITAL TRUST, INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

VERITAS-B MEZZ B7, LLC AS
 SUCCESSOR-IN-INTEREST TO CAPITAL
 TRUST, INC.,

Plaintiff,

v.

WALTER R. LEMBI, individually and as
 trustee of the WALTER AND LINDA LEMBI
 FAMILY TRUST DATED JUNE 30, 2004;
 FRANK E. LEMBI, individually and as trustee
 of the OLGA LEMBI RESIDUAL TRUST
 CREATED UNDER THE PROVISIONS OF
 PART THREE OF THE LEMBI FAMILY
 REVOCABLE TRUST DATED FEBRUARY
 17, 1984, and as the trustee of the FRANK E.
 LEMBI'S TRUST DATED FEBRUARY 17,
 1984; BILLIE SALEVOURIS, individually;
 BILLIE Z. SALEVOURIS, as trustee for THE
 BILLIE SALEVOURIS TRUST DATED
 AUGUST 23, 1983 AS RESTATED ON MAY
 24, 2002; DAVID M. RAYNAL, individually
 and as trustee for the DAVID M. RAYNAL
 REVOCABLE TRUST DATED MAY 9,
 2002; RALPH DAYAN, individually and as
 co-trustee for the AMENDED AND
 RESTATED DAYAN FAMILY
 REVOCABLE TRUST DATED DECEMBER
 31, 1991,

Defendants.

Case No. C 09-02492 JSW

**STIPULATION AND ~~PROPOSED~~
 ORDER TO FURTHER EXTEND
 DATE FOR COMPLETION OF
 MEDIATION AND HEARING DATE
 FOR MOTION FOR SUMMARY
 JUDGMENT**

AS MODIFIED HEREIN

Judge: Hon. Jeffrey S. White
 Courtroom 11, 19th Floor

1 By and through their respective counsel of record, the parties to this action
 2 (hereinafter collectively "Parties") hereby stipulate and agree as follows:

3 WHEREAS, on May 24, 2011, pursuant to stipulation, this Court entered an order
 4 re-setting the date for the completion of mediation in the above-referenced matter to September 1,
 5 2011, and re-setting the hearing on the pending Motion for Summary Judgment to September 2,
 6 2011. At that time, as stated in the Stipulation, plaintiff Veritas-B Mezz B7, LLC ("Veritas")
 7 anticipated that pursuant to a business resolution reached by the parties, it would be able to
 8 dismiss this matter with prejudice by July 27, 2011.

9 WHEREAS, Veritas still believes that all remaining obligations imposed on the
 10 parties pursuant to that business resolution will be accomplished soon so that it can dismiss this
 11 action, but was not able to dismiss it by July 27, 2011, because of a problem with the title for the
 12 properties at issue. Veritas anticipates this problem will be resolved shortly.

13 WHEREAS, given this delay, the Parties do not object to a further extension of the
 14 dates for completion of mediation and the hearing on the Motion for Summary Judgment.

15 THEREFORE:

16 Based on the foregoing, the parties hereby stipulate to and respectfully request that
 17 the Court order as follows:

18 1) That the date set for completion of mediation in this matter be further extended
 19 to November 1, 2011, and the hearing on the Motion for Summary Judgment be re-set to Friday,
 20 November 4, 2011.

21 IT IS SO STIPULATED.

22 Dated: August 1, 2011

STEIN & LUBIN LLP

23 By: /s/ Julie L. Fieber

24 Julie L. Fieber

25 Attorneys for Veritas-B Mezz B7, LLC, as Successor-In-
 26 Interest to Plaintiff Capital Trust, Inc.

1 Dated: August 1, 2011

EDWARD C. SINGER JR.

2
3 By: /s/ Edward Singer Jr.

Edward C. Singer Jr.

Attorneys for Defendants

WALTER R. LEMBI, individually and as trustee of the
WALTER AND LINDA LEMBI FAMILY TRUST

DATED JUNE 30, 2004 and FRANK E. LEMBI,

individually and as trustee of the OLGA LEMBI

RESIDUAL TRUST CREATED UNDER THE

PROVISION OF PART THREE OF THE LEMBI

FAMILY REVOCABLE TRUST DATED FEBRUARY

17, 1984 and as the trustee of the FRANK E. LEMBI

SURVIVOR'S TRUST DATED FEBRUARY 17, 1984

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9 Dated: August 1, 2011

FRIEDMAN DUMAS & SPRINGWATER LLP

10
11 By: /s/ Ellen Friedman

Ellen Friedman

Attorneys for Defendants

BILLIE Z. SALEVOURIS, individually and as trustee
for THE BILLIE SALEVOURIS TRUST DATED

AUGUST 23, 1983 AS RESTATED ON MAY 24,

2002; DAVID M. RAYNAL, individually and as trustee

for the DAVID M. RAYNAL REVOCABLE TRUST

DATED MAY 9, 2002; RALPH DAYAN, individually

and as co-trustee for the AMENDED AND RESTED

DAYAN FAMILY REVOCABLE TRUST DATED

DECEMBER 31, 1991

PROPOSED ORDER

The Court having reviewed the Stipulation and [Proposed] Order to Extend Dates for Completion of Mediation and the hearing date for the remaining pending Motion for Summary Judgment, and good cause appearing therefore:

IT IS HEREBY ORDERED THAT the date set for completion of mediation in this matter be extended to November 1, 2011.

~~IT IS FURTHER ORDERED THAT the hearing on pending Motion for Summary Judgment shall be continued to November 4, 2011, at 9:00 a.m.~~

DATED: August 2, 2011


Hon. Jeffrey S. White

The Court HEREBY TERMINATES the motion for summary judgment (Docket No. 86), without prejudice to Plaintiff seeking a ruling on the motion if the parties are unable to resolve this matter. If that is the case, Plaintiff may re-notice the motion for hearing on an open and available date on this Court's calender, and the parties need not re-file their papers.